

Appl. No.: : 10/030,778
Filed : January 7, 2002

REMARKS

Claim Amendments

Claim 7 has been amended to depend on Claim 1. Claim 8 has been amended to change the subject matter from a production process to a strut mount. Claim 9 has been canceled as being directed to a production process. Claim 10 has been amended to correct the informalities set forth in the Office Action. Claims 14-16 have been added. Support for Claim 14 can be found in Figure 6, for example. Support for Claim 15 can be found in Figures 1 and 6, for example. Support for Claim 16 can be found in Figures 1, 6, and 11, for example. No new matter has been added. Entry of the amendment is respectfully requested.

Response to Election

In response to the restriction/election requirement set forth in the Office Action, Applicant elects Species B, Figures 6-7, to which the claims shall be restricted if no generic claim is finally held to be allowable.

Although the Examiner asserts that there is no claim generic to the species, Claim 1 is generic because Claim 1 recites a configuration of a strut mount characterizable by a curved attachment piece, which is indicated in Figures 1 (species A), 6 (species B), and 11 (species C).

Claims 1, 3-6, and 10-13 are readable on the elected species. Claims 2 and 7-9 may not be readable on the elected species because these claims are likely drawn to species A (Figures 1-5). However, as discussed above, Claim 1 is generic, Claim 2 is dependent on Claim 1, Claim 7 has been amended to depend on Claim 1, Claim 8 (which is dependent on Claim 7) has been amended to change the subject matter to a strut mount, and Claim 9 has been canceled as being directed to a production process. Thus, if Claim 1 is held allowable, Claims 2, 7, and 8 should also be allowed.

New Claims 14-16 are readable on the elected species (Figures 6, 7) as Claim 14 includes a configuration indicated in Figure 6, Claim 15 includes configurations indicated in Figures 1 and 6, and Claim 16 includes configurations indicated in Figures 1, 6, and 10.

In conclusion, Claims 1, 3-6, and 10-16 are readable on the elected species. If Claim 1 is held allowable, Claims 2, 7, and 8 will be rejoined.

Copy of Priority Document

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The Examiner states that applicant has not files a copy of the Japanese application as required by 35 U.S.C. § 119(b). However, if a priority document was submitted to the International Bureau, applicant is not required to submit the priority document to the Office. M.P.E.P. 201.13(b). As shown in the attached copy of Form PCT/IB/304 which was included in this application upon filing, the priority document was submitted to the International Bureau. Thus, applicant believes that no further action is required.

Cited References

Three references are cited in PTO-892. However, these references do not serve as prior art as explained below.

- US 2002/0163155 A1: This reference is published on November 7, 2002, which is after the filing of the present application (January 7, 2002). Thus, this reference does not serve as prior art under 102(b). Further, the inventors of this reference are identical to those of the present application, and further, this reference claims priority to the same Japanese application, 2000-310055, as in the present application. Thus, this reference does not serve as prior art under 102(a).
- WO 02/32701 A1: This reference is published on April 25, 2002, which is after the filing of the present application (January 7, 2002). Thus, this reference does not serve as prior art under 102(b). Further, the inventors of this reference are identical to those of the present application, and further, this reference claims priority to the same Japanese application, 2000-310055, as in the present application. Thus, this reference does not serve as prior art under 102(a).
- WO 02/30694 A1: This reference is published on April 18, 2002, which is after the filing of the present application (January 7, 2002). Thus, this reference does not serve as prior art under 102(b). Further, the inventors of this reference are identical to those of the present application, and further, this reference claims priority to the same Japanese application, 2000-310055, as does the present application. Thus, this reference does not serve as prior art under 102(a).

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References Listed in PTO-1449

Seven references are listed in PTO-1449. However, none of the references teaches or suggest the specific configurations recited in the claims.

Conclusion

In light of the Applicant's amendments to the claims and the foregoing Remarks, it is respectfully submitted that the present application is in condition for allowance. Should the Examiner have any remaining concerns which might prevent the prompt allowance of the application, the Examiner is respectfully invited to contact the undersigned at the telephone number appearing below.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: September 26, 2003

By:



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